

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10011219-4

22154 U.S. PTO
10/824680

IN THE
U.S. PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class _____ Subclass _____

Prior application:

Examiner: Carol S. Tsai
Art Unit: 2857

"Express Mail" label no.: EV404917686US

Date of Deposit: April 15, 2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By Sue A. Hebert

Typed Name: Sue A. Hebert

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR A CONTINUING APPLICATION UNDER 37 CFR 1.53(b)

Sir:

This is a request for filing a continuing application under 37 CFR 1.53(b) a

- () continuation application of:
(X) divisional application of:

Pending Prior Application

Application Serial No. 10/020,673 filed 10/29/01

Title Method And Apparatus For Performing Eye Diagram Measurements

Name of applicant(s) Richard A. Nygaard, Jr.

Copy of Application

- (X) Enclosed is a copy of the prior application, including the drawings.
() Enclosed is a new specification, including new drawings.

Oath or Declaration

- (X) Enclosed is a copy of the prior Declaration (37 CFR 1.63(d)).
() Enclosed is a newly executed Declaration (original or copy).

Foreign Priority - 35 USC 119

- () Foreign priority under 35 U.S.C. 119 has been claimed in prior application Serial No. _____
filed on _____ in _____
() The certified copy has been filed in prior application Serial No. _____
filed _____
() A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

Relate Back - 35 USC 120

This is a () continuation (X) divisional of copending application Serial No. 10/020,673
filed on 10/29/01, the entire disclosure of which is incorporated into this application by
reference.

Inventorship Statement

- () Delete the following named individuals as inventors in this application in accordance with 37 CFR 1.53(b) as a result of a change in the claimed subject matter:

Appointment of Associate Attorney

- () Recognize as Associate Attorney or Agent _____
Registration No. _____
(X) authorization is hereby granted by signature below of the Attorney or Agent of record
() the Associate Attorney or Agent shall not have the authority to appoint other Attorneys or Agents

Communications

(X) Address all future communications to:

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

Direct telephone calls to:

Edward L. Miller
(970) 679-3677

Fee Calculation

- (X) The filing fee calculated below is for an (X) Utility () Design application, and based on the claims remaining after entry of the enclosed Preliminary Amendment.

| CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY | | | | |
|--|---------------------|---------------------|-------------|---------------|
| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) TOTALS |
| TOTAL CLAIMS | 2 — 20 | 0 | X \$18 | \$ 0 |
| INDEPENDENT CLAIMS | 2 — 3 | 0 | X \$86 | \$ 0 |
| ANY MULTIPLE DEPENDENT CLAIMS | 0 | | \$290 | \$ 0 |
| BASIC FEE: Design (\$340.00); Utility (\$770.00) | | | | \$ 770 |
| TOTAL FILING FEE | | | | \$ 770 |
| TOTAL CHARGES TO DEPOSIT ACCOUNT | | | | \$ 770 |

Charge \$ 770 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,
Richard A. Nygaard, Jr.

By Edward L. Miller
Edward L. Miller
Attorney/Agent for Applicant(s)
Reg. No. 29,331

Date: April 15, 2004

Telephone No.: (970) 679-3677

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION
ATTORNEY DOCKET NO. 10011219-4

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard A. Nygaard, Jr.

Serial No.: Unknown

Examiner: Carol S. Tsai

Filing Date: Herewith

Group Art Unit: 2857

Title: Method And Apparatus For Performing Eye Diagram Measurements

OFFICIAL DRAFTSPERSON
Drawing Processing Branch
PO Box 1450
Alexandria, VA 22313-1450

DRAWING TRANSMITTAL LETTER

Sir:

Enclosed herewith please find:

- () _____ sheets of redlined drawing(s) which indicate proposed changes to the drawing(s). Upon approval of these proposed changes, formal drawing(s) will be submitted.
- () _____ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) which accompanied the Office Action dated _____.
- () _____ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) and approved in the Notice of Allowability dated _____.
- (X) 4 sheets of formal drawing(s). Please substitute these formal drawing(s) for the informal drawing(s) originally filed.
- () _____

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

Respectfully submitted,

Richard A. Nygaard, Jr.

By Edward L. Miller

Edward L. Miller

Attorney/Agent for Applicant(s)
Reg. No. 29,331

Date: April 15, 2004

Telephone No.: (970) 679-3185

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: April 15, 2004

Typed Name: Sue A. Hebert

Signature: Sue A. Hebert